

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**United States District Court
Southern District of Texas
FILED**

JAN 14 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

VS.

CASE NO. H-12-356-S

**IRVING HERNANDEZ,
aka Mike;**

PEDRO BELTRAN SANTANA

ERNESTO CISNEROS

JORGE PENALOZA BELTRAN

SHAWN WIGGINGTON

defendants.

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SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

Conspiracy to Possess with the Intent to Distribute a Controlled Substance

From in or around September 2010, and continuing to on or about the date of this indictment, in
Southern District of Texas,

**IRVING HERNANDEZ,
aka Mike;
PEDRO BELTRAN SANTANA;
ERNESTO CISNEROS;
JORGE PENALOZA BELTRAN;
SHAWN WIGGINGTON,**

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree together and with each other, and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States: to possess with the intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or

more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(viii).

COUNT TWO

Aiding and Abetting Possession With Intent to Distribute a Controlled Substance

On or about January 5, 2012, in the Southern District of Texas,

IRVING HERNANDEZ,
aka Mike,

aiding, abetting, and assisting others known and unknown to the Grand Jury, did knowingly and intentionally possess with the intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(viii) and Title 18 United States Code Section 2.

COUNT THREE

Aiding and Abetting Possession With Intent to Distribute a Controlled Substance

On or about October 21, 2011, in the Southern District of Texas,

ERNESTO CISNEROS,

aiding, abetting, and assisting others known and unknown to the Grand Jury, did knowingly and intentionally possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(viii) and Title 18 United States Code Section 2.

COUNT FOUR

Aiding and Abetting Possession With Intent to Distribute a Controlled Substance

On or about December 8, 2011 and December 19, 2011, in the Southern District of Texas,

JORGE PENALOZA BELTRAN,

aiding, abetting, and assisting others known and unknown to the Grand Jury, did knowingly and intentionally possess with the intent to distribute 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii) and Title 18 United States Code Section 2.

COUNT FIVE

Aiding and Abetting Possession With Intent to Distribute a Controlled Substance

On or about December 29, 2011, in the Southern District of Texas,

SHAWN WIGGINGTON,

aiding, abetting, and assisting others known and unknown to the Grand Jury, did knowingly and intentionally possess with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii) and Title 18 United States Code Section 2.

NOTICE OF CRIMINAL FORFEITURE
(21 U.S.C. § 853)

Pursuant to Title 21, United States Code, Section 853, as a result of the commission of a violation of Title 21, United States Code, Sections 841(a)(1) or 846, notice is given that the defendants:

IRVING HERNANDEZ,
aka Mike;
PEDRO BELTRAN SANTANA;
ERNESTO CISNEROS;
JORGE BELTRAN PENALOZA;
SHAWN WIGGINGTON,

that in the event of conviction, the following property, whether real or personal, is subject to forfeiture to the United States:

1. all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and
2. all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

Substitute Assets

Defendants are notified that in the event that property subject to forfeiture, as a result of any act or omission of a defendant,

(A) cannot be located upon the exercise of due diligence;

(B) has been transferred or sold to, or deposited with, a third party;

(C) has been placed beyond the jurisdiction of the court;

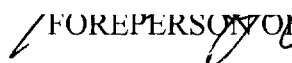
(D) has been substantially diminished in value; or

(E) has been commingled with other property that cannot be divided without difficulty,

the United States will seek to forfeit any other property of the defendants up to the total value of the property subject to forfeiture, pursuant to Title 21, United States Code, Section 853(p).

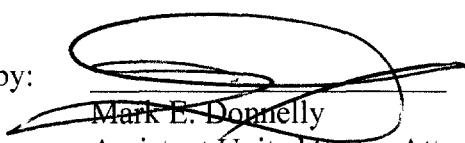
A TRUE BILL:

ORIGINAL SIGNATURE ON FILE

 FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

by:


Mark E. Donnelly
Assistant United States Attorney